

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed July 31, 2008.

Prior to this amendment, claims 60 - 70 were pending. In this Amendment, claim 61 is cancelled, claims 60, 62, and 66-68 have been amended, and claims 71-74 have been added. Support for the amended and newly added claims can be found throughout the application as filed, including paragraphs [0039], [0044], [0046], and [0104]. No new matter has been introduced. Reconsideration of the rejected claims is respectfully requested.

I. Specification

In this response, the specification has been amended to clarify the description of a display screen. Support for this amendment can be found throughout Provisional U.S. Patent Application Nos. 60/446,829 and 60/512,326 as filed. For example, see page 1, lines 12-28 of Provisional U.S. Patent Application No. 60/512,326. Both provisional applications are entirely incorporated by reference in the present application. No new matter has been added. See paragraph [0039] of the present application and MPEP §608.01(p).

II. 35 USC 103 - Lynch, Padgett, Taylor, and Arad

In the Office Action, claims 60 and 62-65 are rejected as being obvious over Lynch et al. (U.S. Patent No. 6,668,156), Padgett (U.S. Patent No. 6,421,524), and Taylor et al. (U.S. Patent No. D436,100). Claims 61, 67, and 69 are rejected as being obvious over Lynch, Padgett, Taylor, and Arad et al. (U.S. Patent No. 5,679,049). These rejections are respectfully traversed.

A. *The cited art does not teach a microphone fixedly coupled to space a user's mouth an appropriate distance.*

Obviousness has not been established for the independent claims, or any claims that are dependent thereon, since every element of the claims is not disclosed, taught or suggested by the cited art.

For example, claim 60 recites a “microphone structure fixedly coupled to the platform”. Such limitation is not disclosed, taught or suggested by any of Lynch, Padgett, or Taylor. On page 3 of the Office Action, The examiner cites Taylor for disclosing a “microphone that is fixedly attached to the platform.” However, Taylor is a Design Patent, and solely consists of the figures and claims. The figures of Taylor show a microphone connected to a book, but do not disclose the means of the connection. Nowhere in Taylor is there an indication that the microphone is “fixedly” coupled to a platform. Furthermore, neither Padgett nor Lynch disclose a microphone fixedly coupled to a platform. Thus, the prior art is silent as to all limitations of the claim 60.

Claim 60 has been amended to include a “dummy microphone” as previously recited in now-canceled claim 60, and further to disclose “wherein the dummy microphone structure is configured to space a user's mouth an appropriate distance from the microphone in the platform.” Paragraph [0046] of the application discloses several advantages to correctly spacing the user's mouth from the microphone, such as producing higher quality recordings of consistent volume. The examiner cites Arad for disclosing a dummy microphone structure on page 5 of the Office Action. However, Arad discloses a dummy microphone structure that is connected to a base by a flexible cord 16 (See Fig. 1 of Arad). This can be contrasted with the fixed microphone structure of Fig. 10 of the present application. A user holding the dummy microphone of Arad can be at any of multiple distances from the actual microphone in the base. This can lead to various recordings have different recording volumes, which can be highly noticeable during playback. The microphone structure of Arad is merely for show, and is thus not configured to “space a user's mouth an appropriate distance from the microphone.” Thus, obviousness has not been established for claim 60 or the dependents thereon.

B. *The cited art does not teach a display screen.*

Claims 67 and 68 disclose the limitations of a "housing having a display screen" and "code for generating one or more images on the display screen." As described in paragraphs [0036]-[0040] of the present application, a display screen is a "visual output device" that can display graphics and animation using such programs as Macromedia Flash™. On page 10 of the Office Action, the Examiner groups claims 67 and 68 with now-canceled claim 61, and cites Lynch as disclosing a "display screen." However, claim 61 did not disclose a display screen, but rather "a print medium including a print element." To clarify the distinction, claims 67 and 68 have been amended to recite an "electronic display screen." See paragraph [0039] of the specification.

Lynch does not disclose an "electronic display screen." The "touch sensitive screen" (as described by the Examiner) of Lynch is actually a "print medium." See column 7, lines 30-35. As described in Lynch, print media "include documents, books, and games, particularly educational books and games." See column 4, lines 50-53. Lynch is silent as to an "electronic display screen," as are the other cited references. Therefore, claims 67 and 68, and the dependents thereon, are allowable over the prior art.

A further difference between an "electronic display screen" and a "print medium" is that an electronic display screen can display variable imagery, as in animation (i.e., moving images) for example. Claims 67 and 68 recite a memory device containing "code for generating one or more images" on the electronic display screen. The cited art does not disclose or render obvious an electronic display screen as recited herein, and furthermore is silent as to code for generating content on an electronic display screen. As the cited art does not disclose, teach or suggest independent claims 67 and 68, applicant's respectfully request the rejection be withdrawn.

Dependent claims 73 has been added to claim a specific type of electronic display screen, a liquid crystal display (LCD). An LCD is disclosed, *inter alia*, in paragraph [0005] of U.S. Patent Application No. 60/446,829, which is entirely incorporated by reference in the present application. See paragraph [0039] of the present application and MPEP §608.01(p).

III. 35 USC 103 - Lynch, Padgett, Taylor, Arad, and Rothschild

In the Office Action, claim 66 is rejected as being obvious over Lynch, Padgett, and Rothschild et al. (U.S. Patent No. 5,603,652). Claim 70 is rejected as being obvious over Lynch, Padgett, Taylor, Arad and Rothschild. These rejections are respectfully traversed. Claims 66 and 70 depend from claims 60 and 67 respectively, and recite limitations that similarly are not rendered obvious by the cited art, for reasons including those discussed above and for the additional limitations they recite. Therefore, withdrawal of the rejection of these claims is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Adam J. Pyonin
Reg. No. 57,301

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
AJP:km
61774525 v3